

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**Docket Number (Optional)
020600-280

In re Patent Application of: Gunter Schmidt et al.

Application No.: 09/341,641

Filed: September 9, 1999

For: NUCLEIC ACID SEQUENCING

The owner*, Xzillion GmbH, Co., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/462,408, filed on April 10, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney or agent of record.

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Signature

November 3, 2005

Date

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- Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.